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PATENT

Attorney Docket No. 33685/US/RMS
Dorsey File No. 470425-00021

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

STROBEL et al.

Serial No.: 10/687,546

Filing Date: October 15, 2003

For: *Methods and Compositions Relating to
Insect Repellents from a Novel
Endophytic Fungus*



Examiner: Deborah K. Ware

Art Unit: 1651

Confirmation No. 7717

CERTIFICATE OF MAILING

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INFORMATION DISCLOSURE STATEMENT

Mail Stop AMENDMENT
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Sir:

In satisfaction of the duty of disclosure under 37 C.F.R. § 1.56, and in accordance with the provisions of 37 C.F.R. §§ 1.97 and 1.98, Applicants wish to draw the attention of the U.S. Patent and Trademark Office to the references cited on the accompanying form PTO/SB/8A. In accordance with 1287 Off. Gaz. Pat. Office 163, 10/19/2004, no copies of U.S. patents and U.S. published applications are enclosed.

Further, in accordance with the provisions of 37 C.F.R. §§ 1.97(c) and 1.97(e)(1), the undersigned certifies that the references listed on the enclosed substitute for form PTO-1449 marked with an asterisk (*) were first cited in an International Search Report dated July 2, 2004 for a counterpart PCT application, PCT/US03/32876, filed October 15, 2003. A copy of the International Search Report for the counterpart PCT application is enclosed herewith.

Serial No.: 10/687,546
Filing Date: October 15, 2003

Nothing herein shall constitute an admission concerning the contents of any of the cited references, nor shall the inclusion of a reference herein be considered an admission that the reference constitutes prior art against the invention claimed in the above-identified application. Submission of the present document shall not be construed as an admission that a search has been made or that better art does not exist.

As far as is known to the undersigned, this Information Disclosure Statement is being filed within three months of the filing date of a national application, within three months of the date of entry of the national state in an international application, or before the mailing date of a first Office Action on the merits as set forth in 37 C.F.R. § 1.97(b), and therefore no fee is required.

Respectfully submitted,
DORSEY & WHITNEY LLP



Robn M. Silva, Reg. No. 38,304

Dated: 1/24/06

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(Modified)

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INFORMATION DISCLOSURE
STATEMENT BY APPLICANT

(use as many sheets as necessary)

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Application Number	10/687,546
Filing Date	October 15, 2003
First Named Inventor	STROBEL et. al.
Art Unit	1616
Examiner Name	To be assigned

Sheet 1 of 2 Attorney Docket Number 33685/US/RMS/THR (470425-00021)

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number Number-Kind Code ² (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
A1 *		4,954,497 A	9/04/1990	Kamikado et. al.	
A2 *		5,270,340 A	12/14/1993	Kunisch et. al.	
A3 *		5,612,338 A	3/18/1997	Trah	
A4 *		6,310,005 B1	10/30/2001	Assmann et. al.	

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No.	Foreign Patent Document Country Code ³ Number ⁴ Kind Code ⁵ (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
	B1					

NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ⁶
C1		Agency for Toxic Substances and Disease Registry. (1995). World-Wide-Web Page at http://www.atsdr.cdc.gov/facts67.html (Modified: September 2003).	
C2		AZEVEDO, J. L., ET AL. "Endophytic microorganisms: a review on insect control and recent advances on tropical plants," <i>Electronic Journal of Biotechnology</i> , 3(1):40-65 (April 15, 2000).	
C3		AZUMA, H., ET AL. "Naphthalene- constituent of magnolia flowers," <i>Phytochemistry</i> , 42(4):999-1004 (1996).	
C4		BAYMAN, P. ET AL. "Distribution and dispersal of <i>Xylaria endophytes</i> in two tree species in Puerto Rico," <i>Mycological Research</i> , 102(8):944-948 (1997).	
C5		BOLTON, D. M., ET AL., in the MERCK Index, 8 th edn ed. (Stecher, P.G. Windholz, M., and Leahy, D. S.) 713 (MERCK, Rathway, New Jersey, (1968).	
C6		BRUNS, T.D., ET AL. "Fungal molecular systematics," <i>Annu. Rev. Ecol. Syst.</i> , 22:525-564 (1991).	
C7		CHEN, J., ET AL. "Termites fumigate their nests with naphthalene," <i>Nature</i> . 392:558-559 (April 1998).	
C8		DAISY, B. H. ET AL. "Muscodor vitigenus, anam. sp. nov. an endophyte from <i>Paullinia paullinioides</i> ," <i>Mycotaxon</i> 84:39-50. (2002).	
C9		Daisy, B. ET AL "Naphthalene, an insect repellent, is produced by <i>Muscodor vitigenus</i> , a novel endophytic fungus", <i>Microbiology</i> (2002), 148, 3737-3747	
C10		GUARRO, J. ET AL. "Developments in Fungal Taxonomy," <i>Clin Microbiol Rev</i> . 12(3):454-500, (July 1999).	
C11		HAWKSWORTH, D. C. ET AL. "Where are the undescribed fungi?" <i>Phytopath</i> 87(9):888-891 (1987).	
C12		HEATH, R. R., ET AL. "Development and evaluation of systems to collect volatile semiochemicals from insects and plants using a charcoal-infused medium for air purification," <i>Journal of Chemical Ecology</i> . 18(7):1209-1226 (1992).	
C13		MITCHELL, J. I., ET AL. "Sequence or Structure? A Short Review on the Application of Nucleic Acid Sequence Information to Fungal Taxonomy," <i>Mycologist</i> . (1995).	

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Sheet	2	of	2	Application Number	10/687,546
				Filing Date	October 15, 2003
				First Named Inventor	STROBEL et. al.
				Art Unit	1616
				Examiner Name	To be assigned
				Attorney Docket Number	33685/US/RMS/THR (470425-00021)

NON PATENT LITERATURE DOCUMENTS				
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.		T ⁶
	C14	MORRILL, W. L., ET AL. "Trap strip and field border modification for management of the wheat stem sawfly: (<i>Hymenoptera Cephidae</i>)," <i>Journal of Entomological Science</i> . 36(1):34-45 (2001).		
	C15	PINKERTON, F., ET AL. "Serinol as an activator of toxin production in attenuated cultures of <i>J. sacchari</i> ," <i>Proc. Natl. Aca. Sci. (USA)</i> 73(11):4007-4011 (November 1976).		
	C16	SAMBROOK, J., ET AL. "Molecular Cloning: a Laboratory Manual." 2 nd Edition. Edited by Ford, N., Nolan, C., and Ferguson, M., Cold Harbor Laboratory Press, New York. (1989).		
	C17	SCHUTZ, B., "Endophytic fungi: a source of novel biologically active secondary metabolites." British Mycological Society, International Symposium Proceedings, Bioactive Fungal Metabolites – Impact and Exploitation, University of Wales, <i>Mycol. Res.</i> 106(9):996-1004 (April, 2001).		
	C18	STONE, J. K., ET AL. "An Overview of Endophytic Microbes: Endophytism Defined" in <i>Microbial Endophytes</i> ed. (Bacon, C.W. and White J. F.), Marcel Dekker, Inc, New York. (2000).		
	C19	STROBEL, G. A., ET AL. "Pestalotiopsis jesterii sp. nov. an endophyte from <i>Fragraea bodenii</i> , a common plant in the southern highlands of Papua New Guinea," <i>Mycotaxon</i> 76:257-266. (2000).		
	C20	STROBEL, G. A., ET AL. "Taxol from <i>Pestalotiopsis microspora</i> , an endophytic fungus of <i>Taxus wallachiana</i> ," <i>Microbiology</i> 142:435-40 (1996).		
	C21	STROBEL, G. A., ET AL. "Volatile antimicrobials form <i>Muscodorum albus</i> , a novel endophytic fungus." <i>Microbiology</i> 147:2943-2950, (2001).		
	C22	TAYLOR, J. W., ET AL. The Evolution of asexual fungi: Reproduction, Speciation , and Classification. <i>Annu. Rev. Phytopathol/</i> 37:197-246 (September, 1999).		
	C23	WEILAND, J.J., http://www.fgsc.net/fgn44/weiland.html , Northern Crop Science Laboratory, Sugarbeet and Potato Research Unit, Fargo, N.D. USA (Published: 1997).		
	C24	WHITE, T.J. ET AL. "Amplification of direct sequencing of fungal ribosomal RNA genes for phylogenetics." In <i>PCR Protocols: A Guide to Methods and Applications</i> . Edited by Innis, M.A., Gelfand, D. H., Sninsky J.J., and White, T. J., Academic Press, Inc., California, (1990).		
	C25	WORAPONG, ET AL. " <i>Muscodorum albus anam. gen. et sp. nov.</i> , an endophyte from <i>Cinnamomum zeylanicum</i> ," <i>Mycotaxon</i> 79:67-79 (2001).		
	C26	WORAPONG, ET AL. " <i>Muscodorum roseum anam. sp. nov.</i> , an endophyte from <i>Grevillea pteridifolia</i> ," <i>Mycotaxon</i> 81:463-475 (2002).		
	C27	ZADOKS, J. C., ET AL. "A decimal code for the growth stages of cereals" <i>Weed Research</i> 14:415-421 (1974).		

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